

SENATE BILL REPORT

HB 2347

As of February 25, 2020

Title: An act relating to bond requirements for county clerks.

Brief Description: Concerning bond requirements for county clerks.

Sponsors: Representatives Duerr, Pollet, Senn and Goehner.

Brief History: Passed House: 2/16/20, 87-9.

Committee Activity: Local Government: 2/25/20.

Brief Summary of Bill

- Removes the ability of superior court judges to order an increase in a county clerk's bond.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Staff: Bonnie Kim (786-7316)

Background: Every county official is required to post a bond prior to assuming office. Bonds are paid for by the political subdivision or public body that the officer serves. The county clerk's bond is set at twice the amount of money liable to come into the clerk's hands as approved by a majority of the superior court judges in the county, or the amount of bond statutorily required of the county treasurer, whichever amount is lower. A county treasurer's bond can range from \$100,000 to \$250,000, depending on the population of the county.

The initial bond is required prior to entering office. It can be increased after the officer takes office. For county clerks, there are two ways the bond amount can be increased. First, a majority of the judges of the superior court can order the clerk to obtain an additional bond, if they believe the clerk's current bond is insufficient. If the clerk fails to post the additional bond within ten days of the deadline, then the clerk's office is declared vacant. In the recent case of *Riddle v. Elofson*, the Washington Supreme Court upheld the ability of superior court judges to order the bond increased over the amount initially required prior to assuming office. Second, a clerk's initial bond amount can be increased by the action of the board of county commissioners. The commissioners can, if the initial bond is insufficient, summon the clerk to show cause why the bond should not be increased.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: Superior court judges may not order a county clerk's bond to be increased.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a simple bill required to fix a 100 year old law. The alternative to this bill is that the county officials can fire a clerk who is failing to perform his or her job. In 2018, the underlying law was used to increase a clerk's bond and this has become the threat to all clerks. Without this bill, superior court judges could use the ability to increase a clerk's bond to remove a clerk from office. There is no due process for the clerk if they are removed from office this way.

CON: This bill allows superior court judges the determine whether a clerk's bond is sufficient. Superior court judges maintain a good relationship with the clerks and do not abuse the power granted by this law.

Persons Testifying: PRO: Representative Davina Duerr, Prime Sponsor; Ruth Gordon, Washington State Association of County Clerks; Kym Foster, Grays Harbor County Clerk; Scott Tinney, Lewis County Clerk; Sharon Fogo, Clerk's Association—Mason County Clerk.

CON: Intisar Surur, Superior Court Judges' Association.

Persons Signed In To Testify But Not Testifying: No one.